

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2633 of 2019

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1. Manager Sahani @ Manager Pd. Chaudhary, son of Late Jangi Sahani @ Late Jangi Chaudhary Resident of Village- Ujjain Lohiya Nagar, P.S- Harsidhi, District- East Champaran, Motihari
 2. Rajeshwar Sahani, son of Late Ram Eqbal Sahani Resident of Village- Ujjain Lohiya Nagar, P.S- Harsidhi, District- East Champaran, Motihari

... .. Petitioner/s

Versus

1. The State Of Bihar through the Divisional Commissioner, Tirhut Division, Muzaffarpur
2. The Collector, East Champaran, Motihari Bihar
3. The Land Reforms Deputy Collector, Areraj, East Champaran Motihari Bihar
4. The Sub- Divisional Office, Areraj, East Champaran, Motihari Bihar
5. The Anchaladhikari, Harsidhi, East Champaran, Motihari Bihar
6. Munister Sahani Shri Babulal Sahani Resident of Village- Ujjain Lohiya Nagar, P.S- Harsidhi, District- East Champaran, Motihari

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar
For the Respondent/s : Mr. Md. Khurshid Alam (AAG-12)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 13-02-2019 Heard learned counsel for the parties.

An order dated 12.12.2017 passed by the Bihar Land Tribunal, Patna, in B.L.T. Case No. 528 of 2017 is under challenge in the present writ application. The said case before the Tribunal was filed by the petitioners, challenging an order dated 28.04.2017 passed by the Commissioner, Tirhut Division, Muzaffarpur. By the said order dated 28.04.2017, the Commissioner, Tirhut Division, Muzaffarpur, had set aside an order passed by the Deputy Collector Land Reforms, Areraj, and had remitted the matter back to Deputy Collector Land Reforms,



Areraj, to peruse the record in respect of the settlement of the land in favour of the contesting parties and thereafter demarcate the land belonging to the respective parties.

After some argument, learned counsel for the petitioner has submitted that one observation made by the Tribunal in the impugned order, that the application is devoid of any merit, grieves the petitioners most. The said observation may prejudice the case of these petitioners before the Deputy Collector Land Reforms, Areraj, to whom the matter has been remanded by the Commissioner, Tirhut Division, Muzaffarpur, learned counsel contends.

I do not find any reason why the Deputy Collector Land Reforms, Areraj, will be prejudiced by the said observation made by the Member (Judicial) of the Tribunal. The said observation has been made only in the background of the fact that by the order, which was impugned before the Tribunal, the matter had not been decided finally, rather the matter had been left open to be decided afresh by the Deputy Collector Land Reforms, Areraj, and in that background, on a petition assailing the impugned order of the Commissioner, Tirhut Division, Muzaffarpur, the Tribunal has made the observation that the application was of no merit.



The impugned order dated 12.12.2017 does not require any interference.

It is clarified that no observation made in the order dated 12.12.2017, shall prejudice the case of either of the parties before the Deputy Collector, Land Reforms, Areraj.

This application stands disposed of with the above observation.

(Chakradhari Sharan Singh, J)

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